



Docket No. 05165.1220

Patent

DFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:) Confirmation No.: 2578
Paul J. Cecil et. al)) Group Art Unit: 3724
Application No.: 10/667,507)) Examiner: Timothy V. Eley
Filed: September 23, 2003))

For: SURFACE PREPARATION DEVICE AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed July 1, 2005, in the above referenced application, Applicant hereby provisionally elects Group II, claims 1 to 24 with traverse.

It is respectfully submitted that examination of all claims in this application would not place an undue burden on the Examiner. In this regard, the independent claim of Group I includes "means for" performing the steps recited in the independent claim of Group II, using the same language. In particular, independent apparatus claim 13 from Group II includes "means for" elements that correspond to the steps of the independent method claim 25 of Group I.

Under M.P.E.P. §806.05(e) "*[i]f the apparatus claims include a claim to 'means' for practicing the process, the claim is a linking claim and must be examined with the elected invention.*" Accordingly, it is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to the Applicant in duplicative examinations.

If the Examiner has any questions, the Examiner is invited to contact the Applicants' undersigned representative at the telephone listed below.

Respectfully submitted,

Baker & Hostetler LLP

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